

REMARKS

As presently amended the claimed invention is directed to a molding composition the components of which are limited to

(A) a homopolycarbonate of a specified molecular weight and/or polyester carbonate),

(B) a (co)polymer based on selected vinyl monomers,

(C) silicone acrylate graft rubber,

(D) glass fibers, and

(E) optional conventional additives selected from the group consisting of lubricant, mold release agent, nucleating agent, dyes and pigments.

The inventive composition is characterized in its improved thermal aging, demonstrated in page 17 of the application.

In the prosecution above, the claims were rejected as obvious over U.S. Patent 6,160,443 (Nodera)

Nodera disclosed a flame retardant composition the **necessary** components of which are **polycarbonate, a flame retardant and an anionic antistatic agent**. Optional components include styrenic resin, fluoro-olefinic resin, a rubber-like elastomer and inorganic filler.

It is not at all clear why or how the referenced **flame retardant** composition that is required to include **a flame retardant and an anionic antistatic agent** may rationally be taken as rendering obvious the presently claimed composition that is characterized by its **thermal aging** and **excludes** flame retarding agent, anti static agent and **includes** a styrenic resin.

Their qualification as **optional** components clearly means that styrenic resin, rubber like elastomer and inorganic filler have not been noted for their criticality in the context of the present invention.

Attention is called to the working examples that are included in the present application where the performance of thermally-aged compositions is shown to critically depend on the inclusion of rubber-free vinyl copolymer. (The Examiner is in error in perceiving the claimed component B to include “styrene grafted rubber” (last paragraph of page 3 of the Action) as Component B of the present invention is by its definition – page 8 line 11- rubber-free). The inventive compositions (Examples 2 and 3 in page 17 of the application) demonstrate thermal aging significantly greater than the corresponding composition where the styrenic resin is ABS. The salient comparison is extracted from the table and is presented below for convenience.

Examples	1 (comparison)	2	3
Elastic modulus, MPa	3590	3890	3850
Vicat B, °C	131	135	135
Izod Impact strength 0 hours @ room temperature	26	25	25
Izod Impact strength 250 hours @ 120°C	18	24	24
Izod Impact strength 750 hours @ 120°C	11	23	24
Izod Impact strength 1250 hours @ 120°C	9	23	24

These results show the surprising and unexpected effect on the aging properties attained upon the combination of rubber-free vinyl copolymer with silicone acrylate graft rubber in the context of the claimed composition.

Nodera's exemplified Metablen S2001 as its optional rubber-like elastomer and the inclusion of the optional HIPS in talc containing compositions, are asserted to be presently relevant.

Reconsideration of the Nodera document in the present context is requested.

The claims were also rejected under 35 U.S.C. 103(a) as obvious over JP 11349796 (the '796 document) in view of Nodera or U.S. Patent 5,807,914 (Obayashi) .

The '796 document disclosed a composition that contains polycarbonate, a copolymer and a presently relevant graft copolymer. Among its other attributes the composition is said to be "excellent in fluidity". Glass fibers that are essential to the inventive composition are not included in the referenced composition.

Nodera that disclosed glass fibers as **optional** inorganic filler is said to be useful for the purpose of increasing flame retardance (column 10, line 42).

It is well established that for a rejection sounding in obviousness in view of a combination of references, something in the art taken as a whole must suggest the applicant's claimed invention. See *In Re Dow Chemical* 837 F.2d 469, 5 USPQ 2d 1529 1532 (Fed. Cir. 1988). Further, the mere fact that the prior art could be modified does not make the modification obvious unless the prior art includes a suggestion as to the desirability of the modification. *In re Gordon* 221 USPQ 1125 , 1127 (Fed. Cir. 1984).

The components of the claimed invention are in fact mentioned in the '796 document and in Nodera yet no suggestion is found in the record to combine these components in a manner describing the present invention. Applicants respectfully assert that since the art skilled recognizes that including glass fibers in an "excellently fluid" composition is certain to detract from its fluidity, there is no rational basis to modify the '796 composition by adding Nodera's glass fibers.

Contrary to the Examiner, the record includes Dr. Eckel's Declaration (submitted August 3, 2005) that points to the significant increase in shear viscosity of a relevant composition upon the inclusion of glass fibers.

Reconsideration of the rejection and its retraction are solicited.

Obayashi '914 disclosed a glass fiber reinforced composition that contains polycarbonate, a polycarbonate oligomer, glass fibers and a presently relevant graft copolymer. The '796 document has been discussed above.

The rejection over J'796 in view of Obayashi is believed untenable for the reason set forth in the rebuttal of the rejection over "796 in view of Nodera. Combining the components of these documents amounts to adding glass fibers to the "excellently fluid" composition disclosed in the '796 document. This has been discussed above as in conflict with the purpose of the '796 document and militates against the combination. Moreover, the combination that would include a polycarbonate oligomer does not describe the claimed invention that effectively excludes such component.

Reconsideration of the rejection and its retraction are solicited.

Claims 1-5 and 7-9 stand rejected under 35 U.S.C. 103(a) as obvious over JP 08269314 (the '314 document) in view of Nodera or Obayashi.

Based on its English language abstract the '314 document is considered to disclose a composition that contains polycarbonate, a (meth) acrylic resin, and a composite rubber graft copolymer of present relevance.

Nodera and Obayashi have been discussed above.

As presently amended, Component B of the claimed composition avoids the '314 document. The rejections over the combination of either of the secondary documents with the '314 document are believed addressed and overcome by the amendment.

An early examination on the merits is requested.

Respectfully submitted,

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